

Minutes

Arizona State Board of Technical Registration **LEGISLATION AND RULES COMMITTEE**

1110 W. Washington Street, Suite 240

Phoenix, Arizona 85007

Tuesday, August 18, 2016 – 1:30PM

1. CALL TO ORDER – 1:33pm

2. ROLL CALL – A Quorum was established.

Members who attended: LeRoy Brady, Jason Foose, Robert Stanley, Edward Marley appeared telephonically. Absent: Ron Starling and William Greenslade. Staff: Melissa Cornelius, Patrice Pritzl, Kurt Winter, and Douglas Parlin.

3. CALL TO THE PUBLIC

Pursuant to A.R.S. § 38-431.01(H), the Committee members are not allowed to discuss or take action on matters raised during an open call to the public unless the matters are properly noticed for discussion and action. However, members may ask staff to review a matter or may ask that a matter be placed on a future agenda.

No one from the public addressed the Board.

4. ADOPTION OF MINUTES

Review, Consideration and Possible Action of the following:

A. Approve, modify and/or reject October 6, 2015 Committee minutes.

Mr. Foose moved and Mr. Marley seconded to approve the October 6, 2015 committee minutes; motion passed.

5. REVIEW, DISCUSSION AND POSSIBLE ACTION ON THE FOLLOWING:

A. Dialog with Stakeholder Associations Regarding Possible Legislative Plans for the 2017 Session.

Stakeholders in attendance included: Tina Litteral of the American Institute of Architects; Kent Groh of the United Surveyors of Arizona; Landscape Architect Galen Drake; David Swartz of the Arizona Home Inspectors Coalition; and Michele Guy of the Arizona Professional Land Surveyors. Stakeholders discussed the possible 2017 legislative session plans and how to be more proactive in preventing the deregulation of Board regulated professions.

B. Consideration of Questions Received From the Public.

1. The Intent of Showing the Expiration Date on the Registrant's Stamp.

Mr. Foose paraphrased that the intent of the expiration date is to act as a mechanism to remind the registrant when to renew. Mr. Marley explained that the expiration date confused those in jurisdictions where stamps do not have expiration dates. Mr. Stanley opined that including an expiration date on a professional stamp is not overly burdensome.

Mr. Foose moved and Mr. Marley seconded to bring this matter to the attention of the Board for a possible rule change to remove the expiration date requirement. Motion passed with Mr. Stanley voting Nay.

2. Whether a Registrant who resides in another state can competently supervise a bona fide employee's work, and if so, how?

Staff brought to the Board's attention different instances involving the question and asked for guidance to resolve them in the future. Board members explained and discussed that with modern technology, registrants can competently supervise a bona fide employee's work while residing in another state. The members provided examples, which included: the distinction that a hired sub-consultant is not a bona fide employee and therefore must stamp their own work; bona fide employees generally draft while the stamping registrant designs; and, the use of another registrant's sealed work is limited and generally can only be used after alterations and a new seal applied. No further discussion.

3. Whether a land surveyor who fails to provide a survey he performed to a client after collecting only a partial payment is in violation of A.R.S. § 32-128(C)(2).

Mr. Foose stated that a surveyor would be in violation of A.R.S. § 32-128(C)(2) under these circumstances. He clarified that fees are not mentioned in the above rule and the fact that a client only a partial payment is irrelevant. The intent of the law is to identify the survey to the public, which relies upon the survey's marks. It is the surveyor's responsibility to provide a survey record to the state within 90 days, regardless if another party has communicated its intentions to do the same. Failure to do so is in violation of the statute. No further discussion.

C. Board Rules for possible recommendations to update, amend, and/or repeal.

Ms. Cornelius explained to the Board and stakeholders the current limitations of updating, amending, and/or repealing Board Rules since the Governor's Rules Moratorium went into effect. Rule-making has been restricted and denied if the proposed rules are perceived to create a greater burden for the regulated population. She further explained that exceptions can be made for public health and safety issues and making established rules clearer.

Ms. Cornelius stated that an exemption is needed to repeal drug lab rules since the occupation has been deregulated. Other rules discussed for possible updating, amending and/or repealing: the definition of a landscape architect in-training; the definition of experience, sub professional; streamlining rules for home inspectors; amending the fees rule in regards to copies of certificates; and, the removal of the roster. No further discussion.

6. FUTURE AGENDA ITEMS

Rule changes to be discussed at next stakeholders meeting.

7. FUTURE MEETINGS

Next meeting Tuesday October 4, 2016 at 9am.

8. ADJOURNMENT – 3:21pm

Mr. Marley motioned and Mr. Foose seconded to adjourn.

Edward Marely, Overseeing Chairman


